

ALLY No. 9876 No: P. 2/457222

From: 0815

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **"INCREMENTAL WEIGHT TRAINING SYSTEM, APPARATUS, AND METHODS,"** the specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(Status-Patented, Pending or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

'FROM : TPS KENNEL

FAX NO. : 847-223-1537

Aug. 20 2001 01:00PM P4

Aug. 16, 2001 RC 4:40 PM RZ MARSHALL, GERSTEIN & BORUN With full powers of substitution No. 9876 dated F. 3/4 sec: this application and transact all business in the Patent and Trademark Office connected therewith: From: C815

John B. Lungmus (18,566)  
Allen H. Getstein (22,218)  
Nate F. Scarpelli (22,320)  
Michael F. Borin (25,447)  
Trevor B. Joike (25,542)  
Carl E. Moore, Jr. (26,487)

Richard H. Anderson (26,526)  
Patrick D. Erni (26,877)  
Richard B. Hoffman (26,911)  
James P. Zoller (28,491)  
Kevin D. Hogg (31,839)  
Jeffrey S. Sharp (31,879)

Manin J. Hinch (32.237)  
James J. Napoli (32.361)  
Richard M. La Harge (32.254)  
Robert M. Gersiein (34.824)  
Anthony G. Sitko (36.278)  
James A. Flight (37.622)


Roger A. Heppermann (37,641)  
David A. Gaxs (38,153)  
Gregory C. Mayer (38,238)  
Michael R. Weiner (38,359)  
William K. Merkel (40,725)  
Andrew M. Lawrence (46,130)

**Send correspondence to: Gregory C. Mayer, Esq.**

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Marshall, Gersteln & Borun	312-474-6300	6300 Sears Tower 233 South Wacker Drive	Chicago, Illinois	60606-6402

Full Name of First or Sole Inventor <b>Alexander Rothacker</b>	Citizenship <b>Canada</b>
Residence Address - Street <b>33439 North Park</b>	Post Office Address - Street <b>33439 North Park</b>
City (Zip) <b>Wildwood 60030</b>	City (Zip) <b>Wildwood 60030</b>
State or Country <b>Illinois</b>	State or Country <b>Illinois</b>
Date <input checked="" type="checkbox"/> <b>8-20-01</b>	Signature <input checked="" type="checkbox"/> <i>Alexander M Rothacker</i>

Second Joint Inventor, if any	Citizenship
Residence Address - Street	Post Office Address - Street
City (Zip)	City (Zip)
State or Country	State or Country
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Third Joint Inventor, if any	Citizenship
Residence Address - Street	Post Office Address - Street
City (Zip)	City (Zip)
State or Country	State or Country
Date <input checked="" type="checkbox"/>	Signature 

Fourth Joint Inventor, if any	Citizenship
Residence Address - Street	Post Office Address - Street
City (Zip)	City (Zip)
State or Country	State or Country
Date 8	Signature 8

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MARSHALL GERSTEIN &amp; BORUN

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From: 0815

37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and  
(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

**35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT**

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

## 35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.